## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA

JAMES M. CLARK,	)	
	)	
Plaintiff,	)	
	)	
VS.	)	NO. CIV-07-1155-D
	)	
MICHAEL J. ASTRUE, Commissioner,	)	
Social Security Administration,	)	
	)	
Defendant.		

## ORDER

Plaintiff brought this action for review of the decision of the Commissioner of Social Security Administration ("Commissioner") denying Plaintiff's application for disability insurance benefits. On June 27, 2008, the Court entered its Order [Doc. No. 20] reversing the Commissioner's decision and remanding this matter for further proceedings, pursuant to sentence four of 42 U. S. C. § 405(g).

Plaintiff has now filed an application [Doc. No. 22] for an award of attorney fees pursuant to 28 U.S.C. § 2412, the Equal Access to Justice Act ("EAJA"). EAJA permits an award of attorney fees to a prevailing plaintiff in certain actions against the government, including actions seeking review of Social Security applications. As a "prevailing party" within the meaning of EAJA, Plaintiff is entitled to an award of reasonable attorney fees.

Plaintiff's counsel submits supporting documentation for the requested fee award of \$4,563.50 for legal services performed in this case. The fee is based on hourly rates approved by the Social Security Administration during the relevant time period.

Defendant Commissioner agrees that, pursuant to EAJA, Plaintiff is entitled to recover reasonable attorney fees as the prevailing party in this matter. He does not object to the amount of

Case 5:07-cv-01155-D Document 24 Filed 08/19/08 Page 2 of 2

the fee requested.

The Court has reviewed the application and the supporting documentation. The fees sought

are based on billable hours in 2007 and 2008. The documents submitted by counsel include a

detailed description of the work performed on specified dates, the hours incurred, and the hourly

fees charged for work attributable to attorneys and to paralegals and legal interns throughout this

time period. Having reviewed the documentation, the Court finds that the work performed, the time

expended, and the resulting fees are reasonable. Accordingly, the Court agrees that the total amount

of \$4,563.50 represents a fair and reasonable fee for the work performed on behalf of Plaintiff in this

case.

Plaintiff's application [Doc. No. 22] for an award of EAJA fees in the amount of \$4,563.50

is GRANTED. Defendant is directed to pay that amount directly to the Plaintiff, pursuant to

Manning v. Astrue, 510 F.3d 1246 (10th Cir. 2007).

IT IS SO ORDERED this 19<sup>th</sup> day of August, 2008.

TIMOTHY D. DEGIUSTI

UNITED STATES DISTRICT JUDGE

2